HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 390 (M/B) 2006

1. Umesh Charndra S/o Sri Man Singh,
   r/o house no. 99, Sanjay Colony, Roorkee,
   P.S. Gangnahar, Roorkee, Haridwar,
2. Goli @ Ram Gopal S/o Sri All Singh,
   r/o village Mohmadipur,
   P.S. Deoband, District Saharanpur. U.P. ---Petitioners.

Vs.

1. State of Uttaranchal through Secretary Home,
   Secretariat Complex, Dehradun,
2. Senior Superintendent of Police, Haridwar,
3. Station House Officer, P.S. Ganghanar,
   District Haridwar,
4. Sri Kalu Ram S/o Dayaram Saini,
   R/o village Sadholi, P.S. Jhabrera,
   District Haridwar. ---Respondents.

Sri Navneet Kaushik, learned counsel for the petitioner.
Learned A.G.A. for the respondents.

Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble B.C. Kandpal, J.

Hon'ble B.C. Kandpal, J. (Oral)

By way of this writ petition, a writ of certiorari has been sought for quashing of the impugned first information report dated 28th March 2006 which has been lodged in case crime no. 66-2005 u/s 364 I.P.C. at the police station Gangnahar, Roorkee, district Haridwar.

2. Brief facts of the case are that a first information report was lodged by respondent no. 4 against the petitioners u/s 364 IPC alleging therein that the petitioners, alongwith certain other accused persons have abducted Sri Sunil Kumar and his whereabouts are still now known.

3. Heard Sri Nanveek Kaushik, learned counsel for the petitioner and learned Assistant Govt. Advocate for the respondents and perused the record.

4. We are of the opinion that a prima-facie case, on the basis of the allegations made in the F.I.R. is made out against the petitioners at this stage.

5. We are not supposed to give premature judgment by exercising the power of the Trial Judge, as the evidence is still incomplete and hazy.

6. The writ petition lacks merit and is liable to be dismissed in limine.

7. The writ petition is, accordingly, dismissed.

8. However, in case if the petitioners apply for bail, the Court below shall consider the same as expeditiously as possible.

(B.C. Kandpal, J.) **(M.M. Ghildiyal, J.)**

April 10, 2006:
NCM: